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S E C R E T SECTION 01 OF 02 PARIS 008062

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STATE FOR CA/VO/BIP-NEGAH ANGHA, INR/IC-JOSIE PAPENDICK,  
NCTC/TIG-DAVID WIGMORE

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SUBJECT: FRANCE: HSPD-6 TERRORIST LOOKOUT SHARING PROSPECTS

REF: A) STATE 126313 B)173539

Classified By: DEPUTY CHIEF OF MISSION KARL HOFMANN FOR REASONS 1.4 (b)  
(c) and (d)

1. (SBU) SUMMARY: Agencies at post involved in our productive and extensive counterterrorism dialogue with the French have considered HSPD-6 requirements to explore obtaining terrorist watchlist information. We consider it highly unlikely the GOF would consent to unilateral sharing of its watchlist data with us; any successful U.S. approach would have to be reciprocal. Our primary dialogue with the French on watchlist issues has been over the No-Fly list, and France's cooperation on No-Fly issues--vital to our interests--comes with many strings attached. Any broader watchlist sharing effort would need to protect that vital cooperation. Finally, post is interested in Washington agencies, response to the draft proposal by the TSC Director to offer the French a sample watchlist exchange of 200 names for purposes of comparison. Such a proposal would, we think, be well-received by the GOF and could provide useful insight into issues that the GOF might raise in a broader watchlist exchange exercise. END SUMMARY

2. (S/NF) Agencies and offices active in terrorist lookout issues at post, (including Legatt, RMAS, Econ, Pol, Consular, TSA, and ICE), have consulted on HSPD-6 per reftels. We

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believe that the GOF would be open to sharing watchlist information, subject to passage of anti-terrorist legislation currently under consideration (expected by late-December) and resolution of ongoing data privacy law concerns. The French services are very circumspect about the details of how their data is organized, but we can assume they have databases of known or suspected terrorists that they could share with us. It is extremely unlikely that they would agree to do so on other than a reciprocal basis. Defining reciprocity will be particularly challenging, since they already receive our No-Fly list, and question both the list's size and the quality of information on which many entries are based.

3. (S/NF) Our primary contacts on watchlist issues have emerged from the convoluted arrangements developed at GOF insistence to implement the No-Fly Emergency Amendment. TSA provides the No-Fly list to the French Border Police (PAF) and to Air France, and notifies both GOF authorities and the airline when APIS data detects name-matches. When necessary, detailed intelligence on watchlist matches is passed by either Legatt or RMAS to the Direction de la Surveillance du Territoire (DST), an Interior Ministry office equivalent to the FBI. Embosffs also maintain a continuing dialogue on watchlist screening with the Secreteriat Generale de la Defense Nationale (SGDN), the Prime Minister's interagency coordinating body for defense and counter-terrorism.

4. (S/NF) We expect the DST is likely to be interested in sharing watchlist information, with an eye toward spotting French citizens or residents who might be of concern. A similar arrangement has already been established with the UK, with what we understand to be positive results so far. (Note: Post would appreciate details on how this arrangement has worked.) However, any proposal will also have to protect existing cooperation with the French on No-Fly implementation, and to take GOF skepticism about the size and inclusiveness of both the No-Fly and Selectee lists into account.

5. (C) The GOF would probably be reluctant to share names of French citizens or residents with us without clearly defined and mutually agreed upon criteria for inclusion or exclusion from our watchlists, and may argue that sharing data raises legal or privacy protection issues. We are also concerned that the GOF could use expanded information sharing as leverage for requesting underlying intelligence about names included on our lists, especially those of French citizens and residents. Any additional information they receive could be used to highlight the issue of why names are included or excluded from the No-Fly and Selectee lists. We should also expect that they will at some point propose joint-vetting of names or development of a common watchlist.

16. (SBU) Following the visit of TSC Director Donna Bucella in October, Legatt received a draft TSC proposal for sharing 200 names at random on a trial basis with the DST, to be used exclusively for comparison and evaluation rather than operational purposes. Post believes this could be a worthwhile limited next step that has the potential to demonstrate how watchlist sharing could help both sides plug gaps in their knowledge, and is likely to be well-received by the French. It could provide a much-needed opportunity to demonstrate the effectiveness of our watchlist scrub and the seriousness of the information underlying entries on our list. It could also provide useful insight into how the GOF might handle any larger watchlist sharing arrangement.

17. (SBU) Post understands that TSC is actively polling Washington agencies on the above proposal. We would be interested in hearing reactions, as well as any suggestions agencies have on how such a proposal can be crafted so as to avoid our being drawn into unproductive discussions with the GOF on No-Fly issues.

18. (SBU) Post regrets delay in responding to reftels. Please visit Paris' Classified Website at:  
<http://www.state.sgov.gov/p/eur/paris/index.cfm>

Stapleton